

DECISION



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PLII
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-195919.2

DATE: November 29, 1979

MATTER OF: Ronald Campbell Company--Reconsideration 22452

[Request for Reconsideration of Untimely Protest Dismissal]
DIGEST:

Previous dismissal of protest as untimely is affirmed and protest will not be considered under the exceptions to the timeliness rules because matter is not a significant issue involving a principle of widespread interest and good cause is not shown.

R Ronald Campbell Company (Campbell) requests reconsideration of our dismissal of its protest as untimely pursuant to our Bid Protest Procedures, 4 C.F.R. § 20.2 (b)(1) (1979).

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/ Campbell's initial protest alleged that request for proposals 263-79-P(66)-0315, issued by the Department of Health, Education and Welfare for periodical subscriptions was biased in favor of the incumbent contractor and was unnecessarily complex, requiring services not needed by the Government. As these deficiencies were apparent prior to the closing date for receipt of proposals, and we did not receive Campbell's protest until after that date, we viewed the protest as untimely under 4 C.F.R. § 20.2(b)(1). 22

Campbell now contends that its protest should be considered under Section 20.2(c) of our Procedures which permits consideration of untimely protests where good cause is shown or where issues significant to procurement practices are raised. The good cause exception is limited to circumstances where some compelling reason beyond the protester's control prevents the filing of a timely protest. Dupont Energy Management Corporation, B-195673 October 17, 1979, 79-2 CPD ____.

*Reconsideration
Untimely bid-protest
Procurement protest*

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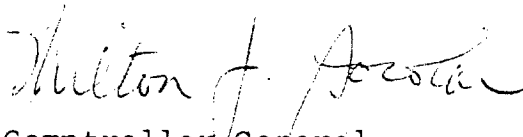
Campbell points out that its message relaying the protest to GAO was delivered to Western Union prior to 5:00 p.m. on August 27, 1979, the time set for receipt of proposals and that Western Union advised Campbell that the message would be delivered before that deadline. We do not believe that these circumstances warrant invoking the good cause exception because Campbell had ample time to protest alleged improprieties in the RFP, which was issued on February 27, 1979.

Campbell also argues that its protest concerning bias and other improprieties should have been considered on its merits because it raises issues significant to procurement practices and procedures. Campbell amends its original allegation of bias, stating that the solicitation was biased in favor of all firms willing to cope "with unessential red-tape involved in the solicitation."

The significant issue exception is limited to issues that are of widespread interest to the procurement community and is exercised sparingly so that the timeliness standards do not become meaningless. R.A. Miller Industries, Inc. (Reconsideration), B-187183, January 14, 1977, 77-1 CPD 32. A significant issue is necessarily one that affects more than the individual procurement. Catalytic, Incorporated, B-187444, November 23, 1976, 76-2 CPD 445. Here, the allegations of bias and other deficiencies in the specifications concern only the protested procurement, and therefore are not of sufficient impact to warrant consideration of Campbell's untimely protest under the significant issue exception. See Servo Corporation of America, B-193240, May 29, 1979, 79-1 CPD 380.

Accordingly, our previous dismissal of the protest is affirmed.

Campbell also protests the award of the contract to any other firm because it submitted the lowest offer. We are developing that protest in accordance with our Bid Protest Procedures and it will be the subject of a later decision.



For the Comptroller General
of the United States